

REMARKS

Claims 7-9, 11 and 13-18 stand rejected in the office action. Claims 10, 12 and 19-21 were objected to in the office action. Claims 7, 19 and 20 have been amended. No claims have been canceled or added. Therefore, following entry of the present response, claims 1-21 will remain pending in the present application.

Replacement drawings are submitted herewith. Examiner is respectfully requested to acknowledge receipt and acceptance of the drawings as formal.

The Examiner has indicated that claims 10, 12 and 19-21 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants would like to thank the Examiner for indicating the allowability of claims 10, 12 and 19-21. Applicants respectfully request consideration of the allowability of the remaining claims.

Claims 7 and 19 have been amended to overcome certain informalities. Also, claims 19 and 20 have been amended to provide proper dependency to claim 7, and not claim 14 as originally indicated. These amendments are not made for purposes related to patentability, and do not require further search.

The office action alleges that independent claim 7 contains certain limitations that describe "intended use," such that "no patentable weight" was given in considering the patentability of the claim. (*Office Action dated August 23, 2004* at p. 2). In particular, the office action contends that the following language is purely functional and therefore an "intended use": "measuring electrical energy usage over a wide range of service voltages," "capable of receiving any service voltage in said wide range," and "capable of receiving any service voltage in said wide range." (*Office Action dated August 23, 2004* at p. 2).

With all due respect to the contentions in the office action, applicants respectfully disagree. Contrary to the assertions in the office action, such items are not merely statements of intended use. Instead, as discussed below, such items express additional structure for the power supply and resistive voltage divider elements of the electrical energy meter, and accordingly do not merely state an intended use, as the office action has asserted.

The MPEP notes that “[i]ntended use recitations and other types of functional language cannot be entirely disregarded” in an apparatus claim if the language results “in a structural difference between the claimed invention and the prior art.” *MPEP 2111.02*.

Here, the language cited in the office action connotes structural limitations that distinguish the present invention from the prior art. In particular, although the office action attempts to parse the cited language from the rest of the claim language, this language must be read in light of the rest of the claim.

For example, with respect to the resistive voltage divider, the cited language “capable of receiving any service voltage in said wide range,” standing alone may be misconstrued to be purely function. However, when read in light of the rest of the claim, which the office action acknowledges includes additional structural limitations, it connotes sufficient structure to distinguish from the prior art. In particular, the claimed resistive voltage divider does not just “receive any service voltage.” The resistive divider also takes that received “service voltage” and scales it such that it does not “exceed a maximum peak-to-peak value.” As is well known to those skilled in the art, a resistive voltage divider that is capable of scaling any inputted service voltage and limiting its outputted voltage to a maximum peak-to-peak value provides a defined structural difference between the claimed invention and the prior art. As discussed below, and as apparently conceded by the office action, this is evident from the fact

that Lusignan does not describe limiting the outputted voltage to a maximum peak-to-peak value.

Furthermore, with respect to the claimed power supply, the cited language “capable of receiving any service voltage in said wide range,” if read alone also may be misconstrued to be purely function. Again, when read in light of the rest of the claim, it connotes sufficient structure to distinguish from the prior art. In particular, the cited language is followed by “producing therefrom a supply voltage used within said electrical energy meter.” Therefore, the claimed power supply does not just “receive any service voltage.” The power supply also takes that received “service voltage” and produces a “supply voltage,” the value for which is appropriate for use by the electrical energy meter. As is well known to those skilled in the art, a power supply that provides a voltage capable of running an electrical energy meter dictates a defined structural difference between the claimed invention and the prior art. As discussed below, and as apparently conceded by the office action, this is evident from the fact that Lusignan does not describe limiting the outputted voltage to a maximum peak-to-peak value.

Accordingly, applicants respectfully request withdrawal of the rejection of claims 7-9, 11, 14 and 16-18 under 35 U.S.C. § 102(e) over Lusignan.

In addition, claims 13 and 15 were rejected under 35 U.S.C.103(a) as being unpatentable over Lusignan. For the same reasons discussed above with respect to the rejection of claims 7-9, 11, 14 and 16-18 under 35 U.S.C. § 102(e) over Lusignan, applicants respectfully request withdrawal of the rejection of claims 13 and 15 under 35 U.S.C.103(a) over Lusignan.

Information Disclosure Statement

The office action alleged that the information disclosure statement (IDS) filed on October 14, 2003 fails in-part to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. The office action lists certain general provisions regarding foreign prior art without specifically identifying the particular reference numbers. Applicants respectfully assert that IDS is in compliance with the cited law. Applicants cited the foreign prior art references that previously were cited in the parent application No. 10/076,990. Also, in the parent application, the foreign cited art was provided at least with a English abstract and was properly legible.

If the Examiner wishes to continue the stated objection to the IDS, applicants respectfully request specific identification of the references in question and clarification as to the reasons for the stated objection.

Finally, the office action cited certain "publications" as being "cumulative." (*Office Action dated August 23, 2004* at p. 7-8). The office action indicates that such "cumulative" publications have "not been considered as to the merits." (*Id.*). Applicants are unclear how the Examiner determined that the references were "cumulative" if they were "not considered as to the merits." (*Id.*). Without agreeing or disagreeing with the Examiner's characterization of the subject references, applicants respectfully request the Examiner initial and date the properly-submitted subject references.

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Supplemental Information Disclosure Statement

In addition to the previously submitted references, applicants submit additional reference material as indicated in the attached PTO form 1449. These references comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. Accordingly, applicants respectfully request the Examiner date and initial these reference materials.

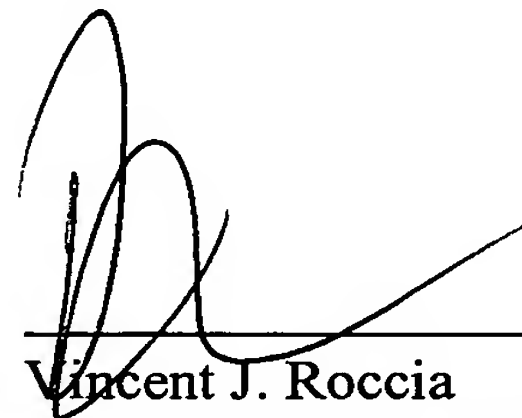
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CONCLUSION

In view of the foregoing, Applicant respectfully submits that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the present application for any reason, the Examiner is encouraged to contact the undersigned attorney, Vincent J. Roccia at (215) 564-8946, to discuss resolution of any remaining issues.

Date: December 22, 2004

A handwritten signature in black ink, appearing to be 'V. Roccia', is written over a horizontal line.

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Amendments to the Drawings

The attached sheet(s) of drawings includes changes to Fig(s) 1, 2, 3, 4, 5, 6, 7. The sheet(s), which includes 1, 2, 3, 4, 5, 6, 7 replaces the original sheet(s) including Fig(s) 1, 2, 3, 4, 5, 6, 7

Attachment: 6 Replacement Sheet(s)